

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

**In re Acetaminophen – ASD-ADHD
Products Liability Litigation**

No. 24-2594

MOTION TO WAIVE REQUIREMENTS

To facilitate judicial efficiency and consistency, the Court granted Plaintiffs-Appellants’ Motion to Consolidate the above-captioned appeal with Appeal Nos. 24-916, 24-1121, and 24-2360, “to the extent that the appeals shall be heard in tandem by the same panel.” Dkt. 50.1. Plaintiffs-Appellants now move to waive the requirements of Federal Rule of Appellate Procedure 30 and Local Rule 30.1 to the extent that the “relevant docket entries” and “other parts of the record” relevant to the above-captioned appeal were already submitted to the Court in connection with the Joint Appendix filed in support of Appeal Nos. 24-916, 24-1121, and 24-2360. *See* Appeal No. 24-916, Dkt. Nos. 96.1–116.1 and four sealed volumes. For purposes of Appeal No. 24-2594, Plaintiffs-Appellants seek permission to submit only those “relevant docket entries” and “other parts of the record” that specifically relate to that appeal and otherwise rely upon the earlier-filed Joint Appendix in Appeal Nos. 24-916, 24-1121, and 24-2360.

Federal Rule of Appellate Procedure 30(a)(1) requires the appellant to “prepare and file an appendix to the briefs containing: (A) the relevant docket entries in the proceeding below; (B) the relevant portions of the pleadings, charge, findings, or opinion; (C) the judgment, order, or decision in question; and (D) other parts of the record to which the parties wish to direct the court’s attention.” Fed. R. App. P. 30(a)(1); *see also* Local R. App. P. 30.1. The Plaintiffs-Appellants in Appeal Nos. 24-916, 24-1121, and 24-2360 filed such an appendix that contains 24 volumes and over 6700 pages. Because those appeals and the above-captioned appeal (No. 24-2594) implicate the same legal issues, arise out of the same facts, and arise from the same multidistrict litigation, *In re Acetaminophen – ASD-ADHD Products Liability Litigation*, No. 22-md-03043 (S.D.N.Y) (“*In re Acetaminophen MDL*”), there is substantial overlap in the portions of the record that will assist the Court in deciding the appeals. Absent waiving the requirements of Rule 30 and Local Rule 30.1, the parties would be required to resubmit several thousands of pages already before the Court in the already-filed joint appendix.

In furtherance of efficiency and to avoid burdening the panel with duplicative voluminous joint appendices, Plaintiffs-Appellants’ request to submit a Joint Appendix in the above-captioned appeal that only contains additional documents unique to Appeal No. 24-2594, and to otherwise refer to the 24-volume Joint Appendix already before the panel in the earlier appeals. To avoid confusion

among the parties and the Court, Plaintiffs-Appellants propose that the Joint Appendix for Appeal No. 24-2594 will be a continuation of the first appeals' Joint Appendix, starting with Volume 25 and page A-6721.

Therefore, Plaintiffs-Appellants respectfully request that the Court enter an Order waiving in part the requirements of Federal Rule of Appellate Procedure 30 and Local Rule 30.1 to permit submission of a Joint Appendix that does not duplicate portions of the Joint Appendix already before the Court.

Counsel for Defendants-Appellees have been notified of this motion, and they do not oppose the relief requested.

DATED: January 8, 2025

Respectfully submitted,

/s/ Ashley Keller

Ashley Keller

KELLER POSTMAN LLC

150 N. Riverside Plaza, Suite 4100

Chicago, IL 60606

Tel: (312) 741-5222

ack@kellerpostman.com

CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 27(d)(2), this document contains 494 words, including footnotes. I further certify that this document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Word for Microsoft 365 in Times New Roman 14-pt font.

DATED: January 8, 2025

Respectfully submitted,

/s/ Ashley Keller

Ashley Keller

KELLER POSTMAN LLC

150 N. Riverside Plaza, Suite 4100

Chicago, IL 60606

Tel: (312) 741-5222

ack@kellerpostman.com